

# EXHIBIT D

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

CAPITAL MERCHANT SERVICES LLC; GREEN  
CAPITAL FUNDING, LLC; and MIDNIGHT  
CAPITAL, LLC

Petitioners,

-against-

LATERAL RECOVERY LLC, as assignee of  
BENCHMARK BUILDERS, INC., FTE  
NETWORKS, INC., JUS-COM LLC and  
FOCUS WIRELESS, LLC

Respondents.

Index No. 656049/2021

**NOTICE OF FILING OF NOTICE  
OF REMOVAL TO DISTRICT  
COURT**

To: Christopher Murray, Esq.  
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Clerk  
Supreme Court, County of New York

PLEASE TAKE NOTICE THAT on October 27, 2021, Respondents, LATERAL RECOVERY LLC, BENCHMARK BUILDERS, INC., FTE NETWORKS, INC., and FOCUS WIRELESS, LLC, filed a Notice of Removal of this action to the United States District Court for the Southern District of New York. A copy of this Notice of Removal with supporting exhibits is annexed hereto as exhibit A, and has been served along with this notice on the Clerk. Copies of this Notice, the Notice of Removal and all supporting papers were served on counsel for all parties.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446(d), no further proceedings shall occur in this Court unless and until the case is remanded.

Date: October 27, 2021

Respectfully submitted,

**WHITE AND WILLIAMS LLP**

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